

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|----------------------------|---|---------------------------------------|
| INGENIO, FILIALE DE |) | |
| LOTO-QUEBEC, INC., |) | |
| |) | |
| |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 04-1532 (KAJ) |
| v. |) | |
| |) | |
| GAMELOGIC, INC. |) | |
| |) | |
| |) | |
| Defendant. |) | |

PLAINTIFF'S [PROPOSED] SPECIAL VERDICT FORM

Plaintiff Ingenio Filiale de Loto-Quebec hereby requests that the Court provide the jury with the following special verdict for for the infringement and validity phase of the trial in the above-captioned matter.

VERDICT

We, the jury, unanimously find as follows:

I. INFRINGEMENT**A. Direct Infringement of '082 Patent by GameLogic**

1. **Do you find that Ingenio has shown by a preponderance of the evidence that GameLogic's HomePlay Lottery offering infringes any of the following asserted claims of the '082 patent?**

(As to each claim, a "YES" answer is a finding for Ingenio. A "NO" answer is a finding for GameLogic. A dependent claim may be infringed only if the independent claim from which it depends has also been infringed.)

| | | |
|------------------------|------------------------------------|----------|
| Claim 1 (independent) | (Infringed per Order of the Court) | |
| Dependent Claim 4 | YES _____ | NO _____ |
| Dependent Claim 6 | YES _____ | NO _____ |
| Dependent Claim 9 | YES _____ | NO _____ |
| Claim 10 (independent) | YES _____ NO _____ | |
| Dependent Claim 13 | YES _____ | NO _____ |
| Dependent Claim 15 | YES _____ | NO _____ |

B. Direct Infringement of '603 Patent by GameLogic

1. **Do you find that Ingenio has shown by a preponderance of the evidence that GameLogic's HomePlay Lottery offering infringes claim 1 of the '603 patent?**

(As to each claim, a "YES" answer is a finding for Ingenio. A "NO" answer is a finding for GameLogic.)

Claim 1 (independent)

YES _____

NO _____

C. Induced Infringement of '082 Patent by GameLogic

- 1. Do you find that Ingenio has shown by a preponderance of the evidence that GameLogic has induced others to infringe any of the following asserted claims of the '082 patent?**

(As to each claim, a "YES" answer is a finding for Ingenio. A "NO" answer is a finding for GameLogic. A dependent claim may be infringed only if the independent claim from which it depends has also been infringed.)

Claim 1 (independent) (Infringed per Order of the Court)

Dependent Claim 4 YES _____ NO _____

Dependent Claim 6 YES _____ NO _____

Dependent Claim 9 YES _____ NO _____

Claim 10 (independent) YES _____ NO _____

Dependent Claim 13 YES _____ NO _____

Dependent Claim 15 YES _____ NO _____

D. Induced Infringement of '603 Patent by GameLogic

- 1. Do you find that Ingenio has shown by a preponderance of the evidence that GameLogic has induced others to infringe claim 1 of the '603 patent?**

(As to each claim, a "YES" answer is a finding for Ingenio. A "NO" answer is a finding for GameLogic.)

Claim 1 (independent)

YES _____ NO _____

E. Contributory Infringement of '082 Patent by GameLogic

- 1. Do you find that Ingenio has shown by a preponderance of the evidence that GameLogic has contributed to the infringement by others of any of the following asserted claims of the '082 patent?**

(As to each claim, a "YES" answer is a finding for Ingenio. A "NO" answer is a finding for GameLogic. A dependent claim may be infringed only if the independent claim from which it depends has also been infringed.)

Claim 1 (independent)

(Infringed per Order of the Court)

Dependent Claim 4 YES _____ NO _____

Dependent Claim 6 YES _____ NO _____

Dependent Claim 9 YES _____ NO _____

Claim 10 (independent)

YES _____ NO _____

Dependent Claim 13 YES _____ NO _____

Dependent Claim 15 YES _____ NO _____

F. Contributory Infringement of '603 Patent by GameLogic

- 1. Do you find that Ingenio has shown by a preponderance of the evidence that GameLogic has contributed to the infringement by others of claim 1 of the '603 patent?**

(As to each claim, a "YES" answer is a finding for Ingenio. A "NO" answer is a finding for GameLogic.)

Claim 1 (independent)

YES _____

NO _____

II. WILLFULNESS

A. Willful Infringement of '082 Patent

- 1. If you have found that GameLogic has infringed, contributed to the infringement of others, or that it has induced infringement, of at least one claim of the '082 patent, do you find that GameLogic willfully infringed the '082 patent?**

(A "YES" answer to this question is a finding for Ingenio. A "NO" answer is a finding for GameLogic)

YES _____

NO _____

B. Willful Infringement of '603 Patent

- 1. If you have found that GameLogic has infringed, contributed to the infringement of others, or that it has induced infringement, of claim 1 of the '603 patent, do you find that GameLogic willfully infringed the '603 patent?**

(A "YES" answer to this question is a finding for Ingenio. A "NO" answer is a finding for GameLogic)

YES _____

NO _____

III. VALIDITY

A. Anticipation of '082 Patent Claims by a Single Prior Art Reference

- 1. Do you find that GameLogic has shown by clear and convincing evidence that independent claim 1 of the '082 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a “YES” answer is a finding for GameLogic. A “NO” answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Claim 1 (independent) YES _____ NO _____

If you answered YES for claim 1 of the '082 patent, list the prior art reference that you have found anticipates that claim:

- 2. Do you find that GameLogic has shown by clear and convincing evidence that dependent claim 4 of the '082 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a “YES” answer is a finding for GameLogic. A “NO” answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Dependent Claim 4 YES _____ NO _____

If you answered YES for claim 4 of the '082 patent, list the prior art reference that you have found anticipates that claim:

- 3. Do you find that GameLogic has shown by clear and convincing evidence that dependent claim 6 of the '082 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a "YES" answer is a finding for GameLogic A "NO" answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Dependent Claim 6 YES _____ NO _____

If you answered YES for claim 6 of the '082 patent, list the prior art reference that you have found anticipates that claim:

- 4. Do you find that GameLogic has shown by clear and convincing evidence that dependent claim 9 of the '082 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a "YES" answer is a finding for GameLogic A "NO" answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Dependent Claim 9

YES _____

NO _____

If you answered YES for claim 9 of the '082 patent, list the prior art reference that you have found anticipates that claim:

- 5. Do you find that GameLogic has shown by clear and convincing evidence that independent claim 10 of the '082 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a "YES" answer is a finding for GameLogic. A "NO" answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Claim 10 (independent)

YES _____

NO _____

If you answered YES for claim 10, list the prior art reference that you have found anticipates that claim:

- 6. Do you find that GameLogic has shown by clear and convincing evidence that dependent claim 13 of the '082 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a "YES" answer is a finding for GameLogic. A "NO" answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Dependent Claim 13

YES _____

NO _____

If you answered YES for claim 13 of the '082 patent, list the prior art reference that you have found anticipates that claim:

- 7. Do you find that GameLogic has shown by clear and convincing evidence that dependent claim 15 of the '082 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a "YES" answer is a finding for GameLogic. A "NO" answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Dependent Claim 15

YES _____

NO _____

If you answered YES for claim 15 of the '082 patent, list the prior art reference that you have found anticipates that claim:

B. Anticipation of '603 Patent Claims by a Single Prior Art Reference

- 1. Do you find that GameLogic has shown by clear and convincing evidence that independent claim 1 of the '603 patent is invalid due to anticipation because all of the elements of the claim are found in one prior art reference?**

(As to each claim, a "YES" answer is a finding for GameLogic. A "NO" answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also

answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

Claim 1 (independent) YES _____ NO _____

If you answered YES for claim 1, list the prior art reference that you have found anticipates that claim:

C. Invalidity of '082 Patent Claims Due to Obviousness

1. Do you find that GameLogic has shown by clear and convincing evidence that any of the following claims of the '082 patent is invalid due to obviousness?

(As to each claim, a "YES" answer is a finding for GameLogic. A "NO" answer is a finding for Ingenio. If you answer NO with respect to any of the independent claims, then you must also answer NO with respect to any of the dependent claims that depend from that particular independent claim.)

| | | |
|------------------------|-----------|----------|
| Claim 1 (independent) | YES _____ | NO _____ |
| Dependent Claim 4 | YES _____ | NO _____ |
| Dependent Claim 6 | YES _____ | NO _____ |
| Dependent Claim 9 | YES _____ | NO _____ |
| Claim 10 (independent) | YES _____ | NO _____ |
| Dependent Claim 13 | YES _____ | NO _____ |
| Dependent Claim 15 | YES _____ | NO _____ |

If you answered YES for any of the above claims, list for each such claim the prior art references that you have found render that claim obvious: _____

D. Invalidity of '603 Patent Claims Due to Obviousness

- 1. Do you find that GameLogic has shown by clear and convincing evidence that independent claim 1 of the '603 patent is invalid due obviousness?**

(As to each claim, a "YES" answer is a finding for GameLogic. A "NO" answer is a finding for Ingenio.)

Claim 1 (independent) YES _____ NO _____

If you answered YES for any of the above claims, list for each such claim the prior art references that you have found render that claim obvious: _____

INSTRUCTION: CONTINUE AND SIGN VERDICT FORM ON NEXT PAGE

You each must sign this Verdict Form.

Dated: _____

FOREPERSON
